

she then took a house in said city against his wishes, and on her own responsibility, and respondent went to a hotel, and in a few days returned to Cambridge, and has since been repeatedly in Baltimore, on visits, as is usual with him, and at the time of the separation he gave her \$650, and some small sum beyond. That it is not true that he is possessed of property to the amount of \$15,000, but that he has lost, spent, given, and paid away nearly all that he had and inherited, and that he is not worth \$500. That though the complainant cannot make good any cause of divorce against him, yet that respondent has no objection, whatever, to a divorce from her, provided it be a divorce *a vinculo matrimonii*.

On the 17th of May the cause was removed, upon the suggestion of the defendant, to the Court of Chancery, and on the 18th of the same month, he filed his petition for a discharge of the writ of *ne exeat*, and his release from custody, at the hearing of which, on the 1st of June, 1847, the following opinion was delivered :]

THE CHANCELLOR :

This case originated upon a bill filed on the equity side of Baltimore County Court, by the complainant, in which, upon the grounds therein set forth, she prays for a divorce *a mensa et thoro*, from her husband, the defendant, for alimony, and for the writ of *ne exeat*, to restrain the defendant from departing out of the jurisdiction of the court, until the further order of the court, and for such further and other relief as her case may require.

The bill is supposed to make a case entitling the complainant to relief, under the provisions of the 3d section of the act of 1841, ch. 262, which authorizes the Chancellor, and the county courts, as courts of equity, to decree divorces *a mensa et thoro*, for the causes therein specified, and also upon decreeing divorces, to award alimony to the wife.

Exceptions have been taken by the defendant to the sufficiency of the averments of the bill, but the Chancellor does not propose at this time, to consider or express any opinion in